

ARTICLE III: ZONING DISTRICTS & LAND USES**Sec. 102-301: Establishment of Zoning Districts**

In order to carry out the purpose and intent of this Chapter, the City of Sterling is hereby divided into the following zoning districts:

A. Standard Zoning Districts.**(1) Agricultural Districts**

Rural Holding (RH) District

(2) Residential Districts

Single-Family Districts

Single-Family Residential-4 (SR-4) District

Single-Family Residential-6 (SR-6) District

Single-Family Residential-8 (SR-8) District

Two-Family Districts

Two-Family Residential-6 (TR-6) District

Multiple-Family Districts

Multi-Family Residential-6 (MR-6) District

Multi-Family Residential-10 (MR-10) District

(3) Nonresidential Districts

Business Districts

Neighborhood Business (NB) District

Community Business (CB) District

Regional Business (RB) District

Downtown Business (DB) District

Business Park (BP) District

Manufacturing Districts

Light Manufacturing (LM) District

General Manufacturing (GM) District

Heavy Manufacturing (HM) District

Special Purpose Districts

Mixed Use (MU) District

Planned Development (PDD) District

Sterling Riverfront (SRFD) District

B. Overlay Districts

Public and Institution Overlay (PIO) District

Transitional Business Overlay (TBO) District

Historic Preservation Overlay (HPO) District

Setback Overlay (SBO) District**Sec. 102-302: Official Zoning Map**

The location and boundaries of the districts and overlay districts established by this Chapter are set forth on the Official Zoning Map, which is incorporated herein and made a part of this Chapter. The Official Zoning Map, and all amendments thereto, shall be deemed included within this Chapter as though fully set forth and described herein. The Official Zoning Map is sometimes referred to in this Chapter as the Zoning Map or the Zoning District Map.

Sec. 102-303: District Boundaries

When uncertainty exists with respect to boundaries of the various districts shown on the zoning maps, the following rules shall apply:

A. General location of zoning district boundaries.

- (1) Zoning boundary determination. The zoning district boundaries are corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of street, highways (not including freeways), alleys, easements, and railroad rights-of-way or such lines extended; flood boundaries; and wetland boundaries unless otherwise shown. Distances not specifically shown on the Zoning Map shall be determined by the scale of the Zoning Map.
- (2) Zoning boundary determination for approximate boundaries. Where the designation of the Official Zoning Map shows that various zoning districts are approximately bounded by a street, alley, railroad, lot line, flood boundary, or wetland boundary such lot line or the centerline of such street, alley, or railroad right-of-way, the flood boundaries, or wetland boundaries as delineated on large-scale topographic maps prepared by the City or as determined by using flood profiles and accompanying hydrologic and hydraulic engineering data, said approximate boundaries shall be construed to be the zoning district boundary line.
- (3) Split zoning of newly created lots not allowed. The rezoning of any lot or parcel into more than one (1) standard zoning district shall not be allowed. Use of overlay zoning districts and the planned development district shall be excepted. Where a district boundary line divides a lot in single ownership on the effective date of this Chapter, the Board of Appeals, after due hearing, may extend the regulations for either portion of such lot.
- (4) Where a lot held in one ownership and of record on October 4, 1971, is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted frontage of the lot by more than 25 feet.

B. Zoning district boundary lines on unsubdivided property.

- (1) On unsubdivided property, the location of the boundary lines for a zoning district shown on the Official Zoning Map shall be determined by use of the scale on such map.
- (2) In the case of floodland boundaries, shall be determined by using flood profiles/elevations and accompanying hydrologic and hydraulic engineering data.
- (3) Be in accordance with the dimensions shown on the map measured at right angles from the centerline of the street or highway, and the length of frontage shall be according to dimensions shown on the map from section, quarter-section, or division lines, or centerlines of streets, highways, or railroad rights-of-way unless otherwise shown.

C. Locating shoreland-wetland boundaries. Where an apparent discrepancy exists between shoreland-wetland districts shown on the official wetland maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate field office of the IDNR to determine if the shoreland-wetland district as mapped is in error. If the IDNR staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning

Administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the Official Zoning Map, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period of time.

Sec. 102-304: Zoning of Streets, Alleys, Public-Ways, Waterways, and Railroad Rights-Of-Way.

All streets, alleys, public-ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such alleys, streets, public-ways, waterways, and railroad rights-of-way. Where the centerline of a street, alley, public-way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

Sec. 102-305: Reserved

Sec. 102-306: Annexed Land

Prior to the annexation of any territory to the city, a plan of zoning for the area to be annexed shall be forwarded to the City by the plan commission. Upon approval of such plan for zoning the area to be annexed, the City Council shall direct the Plan Commission to hold a public hearing in accordance with the regulations of Section 102-918 of this Chapter.

Sec. 102-307: Reserved

Sec. 102-308: Reserved

Sec. 102-309: Reserved

Sec. 102-310: Purpose Statements

A. Standard Zoning Districts

(1) Agricultural Districts

- (a) Rural Holding (RH) District. This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family detached residential development, as well as a variety of agricultural and agriculture-supporting land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Rural Holding District shall either serve as a designation which preserves and protects agricultural activities, or as a "holding zone" which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time. In this manner, even if all property were developed in a given area with the RH District designation, the rural community character of that area would still be maintained. This District has a maximum density of one (1) dwelling unit per 35-acres of land area.

(2) Residential Districts

(a) Single-Family Districts

- (i) Single-Family Residential-4 (SR-4) District. The purpose of the Single-Family Residential-4 District is to accommodate lower density single-family residential development in the City. This district primarily consists of post-World War II residential

neighborhoods that have a suburban character, and has a maximum density of approximately four (4) units per acre.

- (ii) Single-Family Residential-6 (SR-6) District. The purpose of the Single-Family Residential-6 District is to accommodate medium density single-family residential development in the City. This district primarily consists of post-World War II residential neighborhoods that have a suburban character, and has a maximum density of approximately six (6) units per acre.
 - (iii) Single-Family Residential-8 (SR-8) District. The purpose of the Single-Family Residential-8 District is to accommodate higher density single-family residential development in the City. This district primarily consists of pre-World War II residential neighborhoods that have a suburban character, and has a maximum density of approximately eight (8) units per acre.
- (b) Two-Family Districts.
- (i) Two-Family Residential-6 (TR-6) District. The purpose of the Two-Family Residential-6 District is to preserve higher density single- and two-family residential development in older neighborhoods of the City, and to accommodate new residential development with a similar character. The TR-6 District also provides for auxiliary dwelling units compatible with surrounding residential neighborhoods. The district is intended to provide the principal location for a wide range of single-family attached dwelling types, including duplexes, twin houses, and two-flats. This district has a maximum density of approximately six (6) units per acre
- (c) Multiple-Family Districts
- (i) Multi-Family Residential-6 (MR-6) District. The purpose of the MR-6 Medium Density Multi-Family Residential District is to accommodate a range of housing densities and a variety of housing types and styles, with a maximum density of approximately six (6) units per acre
 - (ii) Multi-Family Residential-10 (MR-10) District. The purpose of the MR-10 Medium Density Multi-Family Residential District is to accommodate a range of housing densities and a variety of housing types and styles, with a maximum density of approximately ten (10) units per acre.

(3) Nonresidential Districts

(a) Business Districts

- (i) Neighborhood Business (NB) District. The purpose of the Neighborhood Business District is to provide locations for small-scale service and retail uses that primarily serve the convenience needs of neighborhoods. The NB District permits a mix of uses, but care must be taken to ensure that adequate access, parking and screening is provided so as not to negatively impact adjoining residential neighborhoods.
- (ii) Community Business (CB) District. The purpose of the Community Business District is to accommodate mid-size retail and service development along corridors as a transition from the downtown to the regional business areas along Route 2 and Route 40. This district is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a more general retail and wholesale nature, and of the office and service facilities serving a larger community trade area. Uses in the CB District have the potential to generate significant automobile traffic, and therefore care must be taken to properly design access and parking facilities. Since this district is located along the roads that serve as gateways, quality building architecture, landscaping and other site improvements are necessary to ensure this type of development enhances Sterling's image. The size and location of such districts shall be based upon relationship of the community need and economy.

- (iii) Downtown Business (DB) District. The purpose of the Downtown Business District is to provide for the maintenance and orderly growth of a traditional, pedestrian friendly, compact district of retail, service, office, and higher density residential uses in the central area of the City. A wide range of office, retail, and lodging land uses are permitted within this district. Development within the DB District is intended to promote the upgrade and full utilization of existing older structures as well as appropriate redevelopment to assist in maintaining the long-term viability of the central City.
 - (iv) Regional Business (RB) District. The purpose of the Regional Business District is to provide locations along arterial corridors for shopping centers and business uses that draw patrons from not only Sterling, but the surrounding communities and the broader region. The RB District consists primarily of large-scale development that has the potential to generate significant automobile traffic. It should be designed in a coordinated manner with an interconnected street network that is consistent with the City's Comprehensive Strategic Plan. Uncoordinated, piecemeal development of small parcels that do not fit into a larger context are discouraged in the RB District. Compatible land uses, access, traffic circulation, stormwater management and natural features, all should be integrated into an overall development plan. Because this district is primarily at high-visibility locations, quality building architecture, landscaping and other site improvements are required to ensure superior aesthetic and functional quality.
 - (v) Business Park (BP) District. The Business Park District encompasses high visibility lands typical of business/office/industrial parks located at community gateways and along entryway corridors. The BP District is intended to provide for the development of an attractive and aesthetically mixed grouping of retail, office, and limited light **industrial manufacturing** uses in a planned park-like setting which is consistent with the overall desired suburban community character of the community and which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties.
- (b) Manufacturing Districts
- (i) Light Manufacturing (LM) District. The Light Manufacturing District is intended to provide for the orderly and attractive grouping in appropriately landscaped grounds of any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factor; and to establish such regulatory controls as will reasonably insure compatibility with the surrounding area in this respect
 - (ii) General Manufacturing (GM) District. This district is intended to provide for the same type of manufacturing and industrial development as in the LM District, but in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls. This district should not normally abut directly upon residential uses.
 - (iii) Heavy Manufacturing (HM) District. The purpose of the Heavy Manufacturing District is to provide areas suitable for primary and secondary processing, manufacturing and remanufacturing or reprocessing of all types, with related outdoor storage and incidental sales. The HM District is appropriate where the location has access to an arterial street or highway, an active rail corridor, and where uses will not create significant adverse impacts on residential, commercial or other non-industrial uses in the area. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in Article VI.
- (c) Special Purpose Districts

- (i) Mixed Use (MU) District. The purpose of the Mixed Use District is to provide opportunities for a single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary, cohesive whole. This district, generally located along major commercial corridors and at community and employment activity centers, is established to encourage medium to high density commercial, retail, residential and civic uses. Development and design detail requirements can be found in Section 102-515.
- (ii) Planned Development (PDD) District. This district is intended to provide more incentives for redevelopment in areas of the community which are experiencing a lack of reinvestment, or which require flexible zoning treatment because of factors which are specific to the site. This district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and the land use, appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 102-925 for the procedures applicable to proposal review in this standard zoning district. The City intends to use the Planned Development district to provide a mechanism for review of traditional neighborhood developments.
- (iii) Sterling Redevelopment Form District (SRFD). The proposed Form District is generally bounded by the Rock River on the south, Avenue G on the west, West 3rd Street on the north, and Locust Street and 1st Avenue on the east. (See Article IX for specific boundaries). This is a district which has traditionally included a variety of transitioning residential, commercial, and industrial uses. This provides the background context for this Code. The goal of this Code is to promote development that is compatible in context and character with traditional urban neighborhood centers, and is consistent with the community vision and goals. The Sterling Redevelopment Form-Based Code is designed to foster sustainable infill redevelopment in a vibrant, mixed-use, pedestrian-friendly pattern that encourages diverse and compact development.

B. Overlay Zoning Districts

- (1) Public and Institution (PIO) Overlay District. The purpose of the Public and Institution District is to regulate the development of larger public and semipublic uses in a manner harmonious with surrounding uses. The PI District designation is intended to provide an area for activities relating to necessary public services, provide for continued operation and facilitate managed growth of existing institutions, and provide and protect parks, open space and other natural, physical assets of the community to improve the aesthetic and functional features of the community.
- (2) Transitional Business Overlay (TBO) District. The purpose of the Transitional Business Overlay is to provide locations that mix residential and small-scale office, personal service and retail uses, yet maintain a single-family residential appearance and scale. The TB Overlay permits the conversion of single-family homes into office, service and retail uses within the Traditional Residential Districts. Such uses are limited in size and generate a modest amount of commercial traffic that does not adversely impact the adjacent residential neighborhoods. Where this district is located on an arterial street, site development shall be designed to minimize curb cuts. Construction of new non-residential buildings shall only be permitted if they are designed to have a single-family residential appearance.
- (3) Historic Preservation Overlay (HPO) District. This district is intended to preserve and enhance the historical quality of Sterling's historic neighborhoods and corridors. As emphasized in the Comprehensive Strategic Plan, The HPO District is designed to forward aesthetic objectives of the City by controlling the appearance of development within the district in a manner which is consistent with historic neighborhood design principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 102-907 for the procedures applicable to proposal review in this overlay district.

- (4) **Setback Overlay (SBO) District.** This district is established to preserve and promote the health, safety, and general welfare of the community and to promote property improvement by allowing for modifications to the setback standards established in a base zoning district. There exists in the City a series of streets with 100-foot public right-of-way width. This width is wider than typical for such predominantly residential areas. This wider right-of-way places an undue burden on adjacent properties by necessitating an excessive setback for principal structures. This overlay district is intended to reduce the front (or street) yard setback improve the usability of such properties and encourage property investment.

Sec. 102-311: Reserved

Sec. 102-312: Reserved

Sec. 102-313: Reserved

Sec. 102-314: Land Use Regulations

- A. Purpose. The purpose of this Section is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional or temporary use permit to do so. Finally, certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use.
- B. Regulation of Allowed Uses. The land uses listed in Section 102-311 are specifically designated and refer to the detailed listing of land uses contained in Section 102-312 (Detailed Land Use Descriptions and Regulations).
- (1) Land Uses Permitted by Right. Land uses listed as permitted by right are permitted per the general land use requirement of this Chapter (Section 102-312); per the general requirements of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay zoning districts as designated on the Official Zoning Map; per the general requirements of this Chapter including Section 102-825; and per any and all other applicable City, County, State, and Federal regulations.
 - (2) Land Uses Permitted as a Special Use. Land uses listed as permitted as a Special Use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use as contained in Section 102-312 (Regulations Applicable to Specific Land Uses), including any additional requirements imposed as part of the Special Use process. Each application for, and instance of, a Special Use shall be considered a unique situation and shall not be construed as precedence for similar requests. (See also Section 102-818 for Special Use Procedures).
 - (3) Land Uses Permitted as an Accessory Use. Land uses permitted as an accessory use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use as contained in Section 102-312 (Regulations Applicable to Specific Land Uses).
 - (4) Land Uses Permitted as a Temporary Use. Land uses listed as permitted as a temporary use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use as contained in Section 102-312 (Regulations Applicable to Specific Land Uses).
 - (5) Land Uses Not Listed. For land uses which are not listed in a specific zoning district in Section 102-318: Matrix of Land Uses. Even if a land use may be indicated as permitted by right or permitted as a Special Use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located or implemented on it in full compliance with all of the standards

and regulations of this Chapter applicable to the specific land use and property in question, or unless an appropriate variance has been granted pursuant to Section 102-803.

Sec. 102-315: Reserved

Sec. 102-316: Reserved

Sec. 102-317: Matrix of Land Uses

The following matrix indicates, by zoning district, the land uses or activities permitted by right (P), permitted by Special Use (S), permitted as an accessory (A) or temporary (T) use. Blank spaces in the matrix specify that a listed activity or use is prohibited.

		Residential						Business					Industrial			Spec.	Overlay		
Use	RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO	
AG	Agriculture Retail	P																	
	Agriculture Services	P																	
	Cultivation, Excluding Medical Cannabis	P																	
	Cultivation, Medical Cannabis																		
		RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
RESIDENTIAL	Assisted Living Facility		P	P	P			S	S	S	S					S		S	
	Bed and Breakfast	P	S	S	S	S	S	P	P	C	P					P		S	
	Community Living Arrangement (<8 persons)		P	P	P			S	S	S	S					P		P	
	Community Living Arrangement (9 - 15 persons)					P	P	S	S	S	S					S			
	Day Care Center (<8 children)	P	P	P	P	P		P	P	P	P	S	S	S		P	S	S	
	Dwelling Unit, Duplex or Townhouse			S	S	P										P		P	
	Dwelling Unit, Multi-Family						P	P											
	Dwelling Unit, Single-Family	P	P	P	P	P										P		P	
	Dwelling Unit, Twin-Home		P	P	P	P										P		P	
	Dwelling Unit, Upper Level								P	S		P				P		P	
	Dwelling Unit, Zero Lot Line					P	P	P								P		P	
	Live Work Space		P	P	P	P			P	P		P				P		P	
Mobile Home Park						S	S												
		RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
CIVIC and PUBLIC	Airport / Heliport																	S	
	Boat Access Sites (public)																	P	
	Cemetery																	P	
	Civic Buildings / Operations																P	P	P
	College / University																	S	
	Communication Antenna																	P	
	Communication Tower																	S	
	Cultural Facility																P	P	P
	Golf Course																	S	
	Hospital																	S	
	Outdoor Recreation, Private		P	P	P	P	P	P										P	
	Outdoor Recreation, Public Active		P	P	P	P	P	P										P	
	Outdoor Recreation, Public Passive		P	P	P	P	P	P										P	
	Religious Institution																P	P	P
	School, Primary or Secondary																S	P	S
	School, Specialized Instruction																S	P	S
	Theater																P	P	P
Utility, Local																S	P	S	
Utility, Regional																S	P	S	
		RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
RETAIL and SERVICE	Art Gallery / Studio								P	P		P					P		P
	Auto Body Repair									S				S	S			S	
	Building Maintenance Services									P				P	P			P	
	Campground	S																	
	Car Wash									S		S						S	
	Clinic, Medical or Dental								P	P		P					S		S
	Commercial Animal Boarding									P		S					S	S	S
	Commercial Wind Energy System	S								S	S	S	S	S	S	S	S	S	S
	Community living arrangement (16+ persons)							S	S	S	S	S		S	S		S		S
	Convenience Store									P	P	S		S	S		S	S	S

Use	Residential							Business					Industrial			Spec.	Overlay	
	RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
Day Care Center (9+ children)								P	P		P					P	P	P
Day Care Center, Adult								P	P		P					S	P	S
Entertainment, Indoor								P	P		P							
Entertainment, Outdoor								S	P	P	P	P						
Equipment Repair Services								S	P	P			P	P	P		P	
Equipment Sales													S			S	S	S
Financial Institution								P	P	P	P	P				P		P
Food Preparation								P	P		P					P	P	P
Funeral Services								P	P		P					P		P
Gas Station								S	P	P	S	P					S	
Greenhouses, commercial									S	S	S	S	P	P			P	
Grocery								P	P	P	P					P		P
Hardware, Home Improvement Center									P	P	S						S	
Hospice						S	S	P	P		P					P		P
Independent Living Facility						S	S	P	P		P					P		P
Indoor Commercial Lodging									P	P	P	P	S			S	S	S
Indoor Recreation and Amusement								P	P		P		P				P	
Indoor Sales or Service								P	P	P	P	P	P			P	P	P
Intermediate Care Facilities						S	S	P	P	P	P					S		S
Kennel								C	P	P	S		S			S	S	S
Laundry Services							S	P	P	P	P					S	P	S
Liquor Sales								S	P	P	S					S		S
Lodge or Private Club						S	S	S			S					S		S
Lumber Supply													S	S	S		S	
Medical Cannabis Dispensaries																		
Motor Vehicle Sales and Leasing								S			S		S	S			S	
Motor Vehicle Service and Repair								S			S		S	S			S	
Nursery													S	S			S	
Office								P	P	P	P	P	S			P	S	P
Office, Administrative								P	P	P	P	P	S			P	S	P
Office, Business								P	P	P	P	P	S			P	S	P
Office, Government								P	P	P	P	P	P			P	P	P
Office, Medical								P	P	P	P	P				P	P	P
Office, Professional								P	P	P	P	P	S				S	
Outdoor Amusement									P	P	S		S	S		S	S	S
Parking Lot, Private								S	S	S	S	S	S	S		S	S	S
Parking Lot, Public								P	P	P	P	P	P	P		P	S	P
Personal or Professional Service								P	P	P	P	P	S	S		P	S	P
Printing and Publishing								S	P	P	P	P	P	P		P	P	P
Public Service Facility								P	P	P	P	P	P	P		P	P	P
Public Services and Utilities								P	P	P	P	P	P	P		P	P	P
Recreation Equipment, Sales or Lease								S	S	P	P		P				P	
Recreation Equipment, Service											S		S				S	
Recreation, Indoor								S	P	P	P	P	P				P	
Recreation, Private								S	S	S	S		S	S			P	
Restaurant, Coffee or Tea Shop								P	P	P	P		S			S	S	S
Restaurant, Dine-In or Sit-Down								S	P	P	P	P	S			S	S	S
Retail and Service, Personal								P	P	P	P					P		P
Retail Sales								P	P	P	P					P		P
Services, Research								S	P	P	P	P	S				S	
Services, Testing								S	P	P	P	P	S				S	

Use	Residential							Business					Industrial			Spec.	Overlay	
	RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
Tavern/Bar								S	P	P	S		S			S	S	S
Tattoo Parlor									S	P	S		S					S
Vehicle Repair and Maintenance								S	S	S	S		S	S			S	
Veterinary Office/Animal Hospital								P	P	P	P		S			S	S	S
	RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
Brewery or Distillery									S	S	S	S	P	P	P	S		
Distribution Center													S	S	S			
Freight Terminal														S	S			
Heavy Industrial														S	P			
Junkyard or Salvage														S	S			
Light Industrial													P	S	S			
Manufacturing, Custom													P	P	P			
Manufacturing, General													P	P	S			
Mini-Warehouse or Personal Storage													S	S				
Processing, General													P	P	P			
Production, General													P	P	P			
Resource Extraction													S	S	S			
Adult or Sexually Oriented Uses													S	S	S			
Storage or Wholesaling, Indoor													P	P	P			
Storage or Wholesaling, Outdoor													S	P	P			
Waste Disposal Facility													S	S	S			
	RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10	NB	CB	RB	DB	BP	LM	GM	HM	MU	PIO	TBO
Beer Garden									P	P	P	S	S	S	S	P	P	S
Boathouses																		
Drive-Thru Facility								S	P	P	S	S	S			S	S	
Dwelling Unit, Upper Story								P	P		P					P	S	P
Farm Residence	S																	
Garden, public	P	S	S	S	S	P	P	S	S	S	S					P		
Greenhouses, private residential	P	P	P	P	P											P		
Guest House	S	S	S	S														
Home occupations	P	P	P	P	P											P		
In-Family Suite	S	S	S	S	S											P		
Kennel, Private Residential	S	S	S	S														
Live Entertainment, Indoor								P	P	P	P	P	P			P	P	P
Live Entertainment, Outdoor								S	S	S	S	S	S	S		S	S	S
Office, Temporary Sales or Construction	S	S	S	S	S	S	S	S	S	S	S	S	S	S		P	S	P
Outdoor Recreation Lighting, Court/Field/Diamond																S	S	S
Outdoor Sales/Display, Permanent								S	S	S	S	S	S	S		S	S	
Outdoor Sales/Display, Temporary								S	S	S	S	S	S	S		S	S	
Private Garage or Shed	P	P	P	P	P	P	P									P		
Tavern/Bar/Restaurants												S	S	S				
Wind Energy System, Small	S	S	S	S	S	S	S	S			S		S	S		S	S	S

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Sec. 102-318: Reserved

Sec. 102-319: Reserved

Sec. 102-320: Reserved

Sec. 102-321: Bulk Regulations

- A. Purpose. All new buildings and structures shall conform to the building regulations established in this chapter for the district in which each building shall be located.
- B. Lot Requirements.
- (1) Minimum Lot Size. In any residence district, on a lot of record on the effective date of this Chapter, a single family dwelling may be established regardless of the size of the lot, provided all other requirements of this Chapter are complied with. Notwithstanding anything contained herein to the contrary, the shape and dimension of any nonconforming lot may of record as of the effective date of this Chapter be modified by altering the lot lines; provided, however, that the alteration for modification of the lot line does not result in any greater nonconformity than that which existed as of the effective date of this Chapter.
 - (2) Contiguous parcels not meeting minimum requirements. When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.
 - (3) Lots of record not meeting minimum requirements. Any single lot or parcel of land, held in one ownership, which was of record at the time of adoption of the ordinance from which this chapter is derived, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts or usable open spaces are not less than 75 percent of the minimum required dimensions or areas.
 - (4) Through Lots.
 - (a) In any residence district where a lot runs through a block from street to street, a front yard as hereinafter provided shall be required along each street lot line not a side street lot line.
 - (b) In any commercial or industrial district where a lot runs through a block from street to street the requirements for a rear yard may be waived by furnishing an equivalent open space on the same lot in lieu of the required rear yard.
 - (c) Lots on District Boundaries. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district.
 - (d) Lot Grades on Through or Corner Lots. Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
 - (e) Lot Area Not to be Reduced Below Requirements. No lot area shall be so reduced that the dimensions and yard requirements imposed by this Chapter cannot be met.
- C. Bulk Standards. All lots shall comply with the standards prescribed by this Section. These standards are related to the specific zoning district used. Bulk Regulations are listing in the Table found in Subsection (G) below.
- D. Number of Buildings on a Zoning Lot. All principal buildings shall be located on a zoning lot. Only one (1) principal building shall be located, erected, or moved onto a lot in all Districts by right. The Plan Commission may permit more than one (1) principal building per lot by Special Use as outlined in Section 102-919 for the orderly development of the parcel. When additional structures are permitted, the Plan Commission may impose additional yard requirements, floor area ratio limitations, residential

density requirements, land use intensity requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings.

- E. Yard Requirements Where Different Districts Abut. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the more restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.
- F. Front Yard Setback Adjustment. Front yard setbacks should be adjusted as follows when the described conditions or circumstances exist:
 - (1) Setbacks from ultimate street right-of-way line. On all streets or highways for which the ultimate width has been established by the City of Sterling Official Map, and/or subsequent amendments thereto to those documents, the base setback line shall be located at the established ultimate street and/or highway right-of-way line as prescribed by this Code. Required setbacks shall be measured from the base setback line.
 - (2) Average Front Yard Setback. A setback of less than that required by Section 102-321 where there is at least one main building on either side of the applicant's lot, within two hundred feet (200') of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site or, if there is an existing main building on only one side, the setback shall be the average of the existing building's and the required setback. Any other setback may be permitted by the Zoning Board of Appeals, according to Section 102-905 of this Chapter, upon a written finding of fact documenting unnecessary hardship or practical difficulty in complying with the Code.
 - (3) Corner Lot Setbacks. Corner lots shall be determined to have two (2) front yards and two (2) side yards. Corner lot setback requirements on a side street shall meet the requirements set forth in this Code.
 - (4) Reverse Corner Lots Setback. On a reversed corner lot, no principal building shall be closer to the side lot line abutting the street than a distance equal to the required front yard setback on such adjacent property to the rear. No accessory building or portion thereof shall be closer to the side lot line abutting the street than a distance equal to 60-percent of the required front yard setback on such adjacent property to the rear.

G. Residential Bulk Standards.

	RH	SR-4	SR-6	SR-8	TR-6	MR-6	MR-10
Lot	Min. District Area	None	None	None	None	1 acres	2 acres
	Min. Area	5 acres	10,000 sf	7,200 sf	5,000 sf	14,400 sf	0.5 acres
	Min. Area / DU	35 acres	n/a	n/a	n/a	7,200 sf	4,000 sf
	Min. Width	360 ft	80 ft	60 ft	50 ft	80 ft	100 ft
	Min. Street Frontage	100 ft	50 ft	50 ft	50 ft	40 ft	50 ft
	Min. Greenspace Requirement	80%	50%	40%	35%	40%	35%
Principal Structures	Min. Floor Area	1,200 sf	1,200 sf	900 sf	900 sf	900 sf	600 sf/du
	Min. Floor Area (2+ story)	1,500 sf	1,500 sf	1,200 sf	1,200 sf	1,200 sf	n/a
	Floor Area Ratio	n/a	0.5	0.5	0.5	0.7	0.7
	Max. Units/Building	1	1	1	1	2	4
	Max. Building Height	35 ft	35 ft	35 ft	35 ft	35 ft	45 ft
	ROW Setback, Front	50 ft	30 ft	25 ft	25 ft	25 ft	25 ft ¹
	ROW Setback, Side	25 ft	15 ft	10 ft	10 ft	10 ft	15 ft
	Side Setback	Minimum side setback shall be 10-percent of the lot width.					
	Rear Setback	50 ft	40 ft	30 ft	25 ft	30 ft	30 ft
	OHWM Setback	75 ft	75 ft	75 ft	75 ft	75 ft	75 ft
	Min. Building Separation	20 ft	15 ft	15 ft	8 ft	15 ft	20 ft
		¹ Setback shall be increased by 1-foot for each 2-feet of building height over 25-feet, to a maximum of 40-feet.					
Accessory Structures	Max. Rear Yard Coverage	40%				40%	
	Max. Size	900 sf				900 sf / DU	
	Max. Height	Maximum of 30 ft or the height of the principal structure.				30 ft	
	ROW Setback, except alley	Same as principal structure				Same as principal structure	
	Alley Setback	0 ft				0 ft	
	Side Yard Setback, Min.	5 ft				5 ft	
	Side Setback, Sum	10 ft				10 ft	
	Rear Yard Setback	5 ft				5 ft	
	Min. Building Separation	10 ft				10 ft	

H. Business & Office District Bulk Standards.

Lot		NB	CB	RB	DB	BP
	Min. District Area	None	None	5 acres	None	5 acres
	Min. Area	10,000 sf	10,000 sf	1 acre	3,000 sf	1 acre
	Min. Width	50 ft	75 ft	150 ft	30 ft	100 ft
	Min. Street Frontage	50 ft	75 ft	100 ft	30 ft	75 ft
	Min. Greenspace Requirement	15%	20%	30%	n/a	30%
Principal Structures	FAR / Max. Lot Coverage	0.75 / 85% 2.0 / 75%	0.5 / 85% 2.0 / 80% 2.5 / 70% 3.0 / 60%	0.5 / 70% 1.0 / 50%	3.0 / 100% 4.0 / 90% 5.0 / 80% 6.0 / 70%	1.5 / 70% 3.0 / 50%
	Max. Building Height	35 ft	35 ft	35 ft	60 ft	35 ft
	ROW Setback, Front	10 ft	10 ft	10 ft	5 ft Max.	30 ft
	ROW Setback, Side	8 ft	8 ft	8 ft	5 ft Max.	20 ft
	Side Setback, Min.	5 ft	5 ft	10 ft	0 ft	10 ft
	Rear Setback	20 ft	20 ft	20 ft	0 ft	30 ft
	Min. Building Separation	10 ft	10 ft	20 ft	0 ft	20 ft

I. Industrial and Special Purpose District Bulk Standards

Lot		LM	GM	HM	MU	PDD
	Min. District Area	None	5 acres	10 acres	5 acres	5 acres
	Min. Area	3.5 acres	3.5 acres	5 acres	1 acre	n/a
	Min. Width	150 ft	300 ft	500 ft	300 ft	n/a
	Min. Street Frontage	100 ft	150 ft	200 ft	150 ft	n/a
	Min. Greenspace Requirement	20%	20%	20%	20%	n/a
Principal Structures	FAR / Max. Lot Coverage	None/ 70%	None/ 60%	None / 40%	2.0 / 80% 2.5 / 70% 3.0 / 60% 3.5 / 50%	n/a
	Max. Floor Area Ratio	1.0	3.0	3.0	35 ft	n/a
	Max. Building Height	45 ft	50 ft	50 ft	10 ft	n/a
	ROW Setback, Front	50 ft	100 ft	100 ft	8 ft	n/a
	ROW Setback, Side	30 ft	50 ft	50 ft	5 ft	n/a
	Side Setback, Min.	30 ft	50 ft	50 ft	20 ft	n/a
	Rear Setback	30 ft	50 ft	50 ft	10 ft	n/a
	Min. Building Separation	n/a	20 ft	25 ft		n/a

J. Overlay District Bulk Standards

		PIO		TBO		HPO	
Lot	Min. District Area	None	None	None			
	Min. Area	5,000 sf	5,000 sf	None			
	Min. Area / DU	n/a	n/a	n/a			
	Min. Width	50 ft	50 ft	n/a			
	Min. Street Frontage	50 ft	50 ft	n/a			
	Min. Greenspace Requirement	n/a	15%	n/a			
Principal Structures	Min. Floor Area	n/a	1.5 / 90% 2.0 / 80%	n/a			
	Max. Floor Area Ratio	n/a	35 ft	n/a			
	Max. Building Height	n/a	10 ft	n/a			
	ROW Setback, Front	n/a	8 ft	n/a			
	ROW Setback, Side	n/a	5 ft	n/a			
	Side Setback, Min.	n/a	20 ft	n/a			
	Rear Setback	n/a	10 ft	n/a			
	OHWM Setback	75 ft		n/a			
	Min. Building Separation	n/a		n/a			
Accessory Structures	Max. Rear Yard Coverage	40%		n/a			
	Max. Size	Cannot exceed the floor area of the principal structure.		n/a			
	Max. Height	Maximum 30 ft or height of principal structure.		n/a			
	ROW Setback, except alley	Same as principal structure		n/a			
	Alley Setback	0 ft		n/a			
	Side Yard Setback, Min.	5 ft		n/a			
	Side Setback, Sum	10 ft		n/a			
	Rear Yard Setback	5 ft		n/a			
	Min. Building Separation	10 ft		n/a			

Sec. 102-322: Yard Setback Adjustments

- (1) A 40-foot setback shall be maintained from the right-of-way line of the following described roadways:
 - (a) Lynn Boulevard.
 - (b) Locust Avenue north of West 23rd Street.
 - (c) Route 2 east of River Road and Lynn Boulevard.
 - (d) West Fourth Street west of Maple Lane.
- (2) A 25-foot setback shall be maintained from the right-of-way line of the following described roadways:

- (a) Locust Avenue north of Miller Road and south of West 23rd Street.
 - (b) Route 2 east of Freeport Road and west of Lynn Boulevard and River Road.
 - (c) West Fourth Street west of Avenue M and east of Maple Lane.
- (3) Except as otherwise provided, no parking or structures, including but not limited to all accessory buildings, swimming pools, and fences over four feet tall, shall be permitted within the setback areas described in this subsection. Signs shall be permitted in accordance with Chapter VII of this Chapter. The setback areas shall be suitably landscaped and planted so as to provide an open green space along the designated highways.
- (4) Where a setback less than the 40-foot or 25-foot setback required by this subsection is required by zoning district regulations, the greater setback shall apply.
- (5) Frontage or access roads which serve multiple parcels are permitted within the setback area.
- B. Encroachments into Required Yards. The following shall not be considered obstructions or encroachments in the required yards specified:

PROJECTION, OBSTRUCTION, OR ACCESSORY USE	YARD TYPE		
	FRONT	REAR	SIDE
Air-conditioning units, window only (not to exceed 2 feet)	P	P	P
Air-conditioning equipment shelters (not less than 3-feet from any property line); may be reduced with a supporting letter from abutting property owner.	N	P	P
Arbors and trellises.	P	P	P
Art, sculptures, or similar ornamental objects.	P	P	P
Awnings and canopies not projecting more than 48-inches into any required yard.	P	P	P
Balconies, open	P	P	P
Basketball goal (limited to one pole-mounted or garage-mounted goal in residential zoning districts only and not closer than 5 feet from property line)	P	P	P
Chimneys (not to exceed 2 feet)	P	P	P
Decks, open (not less than 10 feet from any property line)	N	P	P
Dish antennas	N	P	N
Dog runs, enclosed	N	P	N
Eaves or gutters, overhanging (not to exceed 3 feet, not closer than 3-feet to a side lot line or center line between buildings on the same lot)	P	P	P
Equipment shelters (not less than 5 feet from property line)	N	P	P
Essential services, utilities, and electric power and communication transmission lines	P	P	P
Flagpoles	P	P	P
Fountains	P	P	P
Gardens, vegetable	P	P	P
Gutters (not to exceed 3 feet)	P	P	P
Landscape bufferyards	P	P	P
Laundry drying equipment	N	P	P
Lawn furniture	P	P	P
Light standards, ornamental	P	P	P
Loading, off-street, open	N	P	P
Parking, off-street, open (not less than 5 feet from any property line)	P	P	P

PROJECTION, OBSTRUCTION, OR ACCESSORY USE	YARD TYPE		
	FRONT	REAR	SIDE
Porches, Patios, open without roof (projecting not more than 10-feet, and located not less than 5 feet from any property line)	N	P	P
Ramps for use by persons with disabilities in compliance with the Americans with Disabilities Act (not closer than 3 feet to property line)	P	P	P
Recreational vehicle parking or storage (not less than 5 feet from any front property line and 2 feet from any side yard)	N	P	P
Signs (not less than 5 feet from any property line)	P	P	P
Sills, belt courses, cornices and ornamental features of the principal building (projecting not more than 12-inches).	P	P	P
Skateboard ramps (not less than 5 feet from any property line)	N	P	N
Stairways, open without roof (not less than 5 feet from any property line)	N	N	N
Television or radio towers or antennas	N	P	P
Recreation courts, private (not less than 10 feet from any property line)	N	P	N
Terraces, open without roof (not less than 4 feet from any property line)	N	P	P
Trash dumpsters and/or garbage receptacles (also subject to the other provisions of this Code and not less than 5 feet from any property line)	N	P	P
Trees, shrubs, and flowers	P	P	P
Walls (not including retaining walls)	N	P	P
Walls, retaining	P	P	P
Windows, bay cantilevered (not to exceed 3 feet)	P	P	P
Other accessory uses (as may be permitted elsewhere in this Code)	N	P	N

C. Exceptions to Maximum Height Regulations. The maximum height regulations listed for residential and non-residential uses and accessory structures in each zoning district, are the maximum permitted heights for all buildings and structures, except those exempted by this Section, below.

- (1) In All Districts. Chimneys, antennae and communications equipment accessory to the principal structure, and ornamental roof projections, provided such projections are solely ornamental and do not form an integral part of the structure's roof. Church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles.
- (2) In the Public and Institutional Overlay District. Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding forty-five (45) feet nor three (3) stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- (3) For All Structures, Except Single-Family, Duplex, or Similar Two-Family Residential Uses. Cooling towers, elevator bulkheads, fire towers, public monuments, smoke stacks, storage tanks, cooling tanks, water towers, spires, domes, ornamental towers, observation decks, and communications towers and appurtenances, all of which are subject to site plan approval and are required to be in accordance with all other ordinances or regulations of the City.

Sec. 102-323: Reserved

Sec. 102-324: Reserved

Sec. 102-325: Reserved

Sec. 102-326: Reserved

Sec. 102-327: Substandard Lot Regulations

- A. Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Zoning District Area requirements of each zoning district or the Minimum Lot Area requirements of each zoning district or which does not meet the lot dimension requirements of each zoning district.
- B. A lot of record existing upon the effective date of this Chapter in a Residential District, which does not meet the minimum zoning district area of each zoning district or the minimum lot area requirements each zoning district, or which does not meet the lot dimension requirements of each zoning district may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 75-percent of the requirements of this Chapter. Said lot shall not be more intensively developed (with multi-family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.

Sec. 102-328: Nonconforming Use & Structure Regulations

- A. Continuance of use.
 - (1) Any lawfully established use of a building or land, on October 4, 1971, or on the date of amendments to this chapter, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided in this chapter.
 - (2) Any legal, nonconforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, as otherwise permitted in this chapter.
 - (3) Any building for which a permit has been lawfully granted prior to October 4, 1971, or prior to the date of amendments to this chapter, may be completed in accordance with the approved plans; provided construction is started within 90 days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.
- B. Discontinuance of use.
 - (1) Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this chapter, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.
 - (2) Whenever a nonconforming use of a building or structure, or part thereof, has been discontinued for a period of 12 consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not after being discontinued or abandoned be reestablished and the use of the premises thereafter shall be in conformity with the regulations of the district.
 - (3) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six months shall constitute abandonment, and the premises shall not thereafter be used in a nonconforming manner.
 - (4) A nonconforming use not authorized by the provisions of this chapter in effect at the time an amendatory ordinance becomes effective shall be discontinued and not reestablished except when the provisions of the amendatory ordinance find the use to be conforming to the district in which it is then located.
- C. Change of use; structures prohibited under previous zoning ordinance.
 - (1) The nonconforming use of any building, structure or portion thereof, which is designed or intended for a use not permitted in the district in which it is located, may be changed to another

nonconforming use thereof, but only if such other use is permitted by a special use permit as authorized in article VII of this chapter.

- (2) A nonconforming structure that was constructed, converted, or structurally altered in violation of the provisions of the ordinance which this chapter amends shall not be validated by the adoption of this chapter, and such violations or any violations of this chapter may be ordered removed or corrected by the proper officials at any time.

D. Repairs and alterations generally.

- (1) Normal maintenance. Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not enlarge or intensify the nonconforming use.
- (2) Structural alterations. No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:
 - (a) When the alteration is required by law.
 - (b) When the alteration will actually result in eliminating the nonconforming use.
 - (c) When a building in a residential district containing residential nonconforming uses is altered as necessary to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

E. Damage or destruction. If a structure containing a nonconforming use is damaged or destroyed by any means to the extent that the cost of its restoration to the condition in which it was before the occurrence exceeds 60 percent or more of the market value of the structure immediately before the occurrence, as determined by the township assessor or a licensed appraiser, such structure may not be rebuilt or used thereafter except in compliance with the provision of the zoning district in which it is located. If the damage or destruction is less than 60 percent of its market value, as determined herein, the structure may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. The restoration or repair of the structure must be started within a period of six months from the date of damage or destruction, and diligently prosecuted to completion. If the restoration is not started within six months of said damage or destruction and diligently prosecuted to completion, the structure shall be removed and the area cleared.

- (1) Residential exception. If a building containing a one-family or two-family dwelling unit, which is nonconforming due to its location in a business or industrial district, is damaged or destroyed by any means to any extent, such building may be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such damage or destruction, provided that; a) the dwelling was legally established prior to becoming nonconforming, b) the dwelling has been continuously used for residential use since becoming nonconforming up to the date of the damage or destruction, c) the lot the dwelling is located on complies with the minimum size and dimension requirements of subsection 102-133(e) of this chapter, and d) the size and number of units of the reconstructed dwelling are no greater than those that existed immediately prior to the damage or destruction. The burden of proof of establishing continuous residential use, size and number of dwelling units, and property area shall be on the property owner. If said reconstruction is not commenced within a period of six months following the damage or destruction, any subsequent reconstruction and use of the building, and premises shall conform to the regulations of the district in which such building, and premises are located.
- (2) Time extensions. The zoning board of appeals may grant up to 12 additional months to the time periods specified in this section for the commencement or completion of restoration and repairs provided the property owner demonstrates, and the zoning board of appeals finds, that circumstances out of the control of the applicant have prevented a good faith attempt to commence or complete the restoration or repairs. Such circumstances may include, but are not limited to: the health of the property owner; court proceedings; failure to reach an acceptable insurance settlement; acts of nature; or similar hardships. A request for such an extension of time shall be filed with the zoning board of appeals prior to the expiration of the original time frame specified

herein and shall be processed, heard and acted upon by the zoning board of appeals in the same manner as an appeal of an administrative decision as prescribed in section 102-54 of this chapter.

F. Additions and enlargements.

- (1) A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.
- (2) No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
- (3) No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space or any land beyond the boundaries of the zoning lot as it existed on October 4, 1971, or to displace any conforming use in the same building or on the same parcel.
- (4) A building or structure which is nonconforming with respect to yards, floor area ratio, or any other element of bulk regulated in this chapter shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

G. Exempt structures and uses.

- (1) Wherever a lawfully existing building or other structure otherwise conforms to the use regulations in this chapter but is nonconforming only in the particular manner specified in this section, the building and use thereof shall be exempt from the requirements of section 102-84:
- (2) In any residential district where a dwelling is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.
- (3) In any business or manufacturing district, where the use is less distant from a residential district than that specified in the regulations for the district in which it is located.
- (4) In any district, where an established building, structure or use is nonconforming with respect to the standards prescribed in this chapter for any of the following:
 - (a) Floor area ratio.
 - (b) Yards, front, side, rear or transitional.
 - (c) Off-street parking or loading.
 - (d) Building height.
 - (e) Gross floor area.

H. Conversion to special use. Any nonconforming use may be made a special use by the granting of a special use permit, as authorized in article VII of this chapter, provided that the nonconforming use is permitted as a special use in the district in which it is located.

I. Timing of Building Permit. Any structure for which a building permit has been lawfully granted prior to the effective date of this Chapter or an amendment which will become nonconforming under the provisions of this Chapter or that amendment thereto, may be completed in accordance with the approved plans. If all such conditions are met, the structure shall thereafter be a legal nonconforming structure.

Sec. 102-329: Standards and Regulations for Temporary Uses

A. General Provisions

- (1) A permit shall be required for temporary uses allowed in this Chapter, except that temporary uses operated or sponsored by a governmental entity and located on a lot owned by that entity do not require a permit, but shall otherwise be subject to the requirements of this Chapter.

- (2) The applicant shall submit a site plan or other suitable description to the Zoning Administrator, with any required permit fee. As a condition of permit issuance, the Zoning Administrator may require conformance with specific conditions regarding the operation of the temporary use as may be reasonably necessary to achieve the requirements of this Chapter. If the Zoning Administrator finds that the applicable requirements have not been met, he may revoke the permit and may require the cessation of the temporary use. Where a permit for a temporary use has been revoked, no application for a new permit shall be approved within six months following revocation.
- (3) All temporary uses, including but not limited to those enumerated in (2) below shall comply with the following requirements:
 - (a) No temporary use shall be established or conducted so as to cause a threat to the public health, safety, comfort, convenience and general welfare, either on or off the premises.
 - (b) Temporary uses shall comply with all requirements of the Municipal Code.
 - (c) Temporary uses shall not obstruct required fire lanes, access to buildings or utility equipment, or egress from buildings on the lot or on adjoining property.
 - (d) Temporary uses shall be conducted completely within the lot on which the principal use is located, unless the City Council authorizes the use of City-owned property or right of way.
 - (e) When a permit is required for a temporary use, the Zoning Administrator shall make an assessment of the number of parking spaces reasonably needed for the permanent uses on the lot where the proposed temporary use is to be located and the availability of other public and private parking facilities in the area. The Zoning Administrator may deny the permit for a temporary use if he finds that its operations will result in inadequate parking being available for permanent uses on the same lot that are not connected with the business proposing the temporary use.
 - (f) During the operation of the temporary use, the lot on which it is located shall be maintained in an orderly manner, shall be kept free of litter, debris, and other waste material, and all storage shall comply with the regulations outlined in Section 102-213.
 - (g) Signs for a temporary use shall be permitted only in accordance with the Section 102-712: Signage.

B. Permitted Temporary Uses

- (1) Temporary Outdoor Sales. Temporary Outdoor Sales shall be limited to four (4) events within one (1) calendar year per lot. These events shall be restricted to the following time limits: two (2) event of not more than forty-five (45) days, and two (2) events of not more than thirty (30) days each.
- (2) Public Markets, Farmers Markets, and Farm Stands. Public markets, farmers markets, and farm stands shall be regulated in accordance with Section 102-406.
- (3) Outdoor Arts, Crafts and Plant Shows, Exhibits and Sales. Outdoor arts, crafts and plant shows, exhibits and sales conducted by a nonprofit or charitable organization shall be permitted in any non-residential zoning district, and may be conducted in addition to the time limits for Outdoor Sales Areas for a period of not more than seven (7) days.
- (4) House, Apartment, Garage and Yard Sales. House, apartment, garage and yard sales are allowed in any residential district, when the offering for sale includes personal possessions of, or arts and crafts made by, the owner or occupant of the dwelling unit where the sale is being conducted; in addition, personal possessions of other neighborhood residents may also be offered for sale. Such uses shall be limited to a period not to exceed three (3) consecutive days, and no more than two (2) such sales shall be conducted from the same residence in any twelve (12) month period. A permit or prior approval of the City shall not be required for such uses.
- (5) Temporary Outdoor Entertainment
 - (a) Temporary Outdoor Entertainment shall be permitted as part of a community festival or an event hosted by the City, Park District, School District, or other governmental body, or as a

- temporary accessory use to a private business use. When Temporary Outdoor Entertainment is conducted as part of a community festival or event, no permit is required; when conducted as an accessory use to a business use, a permit is required and the following additional standards shall be met:
- (b) The application for a permit for Temporary Outdoor Entertainment shall be submitted a minimum of thirty (30) days before the date that the outdoor entertainment event is to commence. The applicant is encouraged to meet with the City staff to discuss the application and coordinate services that may be provided by the City. The Zoning Administrator may refuse to issue a permit for Temporary Outdoor Entertainment when the application is received less than 30 days before the date that the entertainment is to commence, if he finds that there is inadequate time to review the application and arrange for the provision of necessary City services.
 - (c) Permits for Temporary Outdoor Entertainment accessory to a business use shall be limited to a maximum of three (3) days, and the permitted hours of operation shall be established by the City. No maximum number of permits shall be restricted for businesses per calendar year.
- C. Temporary Contractor Trailers and Real Estate Model Units. Temporary contractor trailers and real estate sales trailers or model units shall be permitted in any zoning district when accessory to a construction project for which a building permit or site development permit has been issued. Such uses shall be limited to a period not to exceed the duration of the active construction phase of such project or the active selling and leasing of space in such development, as the case may be. No such use shall contain any sleeping or cooking accommodations, except those located in a model unit.

Sec. 102-330: Reserved

Sec. 102-331: Reserved

Sec. 102-332: Reserved

Sec. 102-333: Special Purpose Zoning Districts

A. Mixed Use (MU) District

- (1) Intent. Buildings and development sites that contain a mix of uses are strongly encouraged. Large development sites represent an important opportunity for creating quality mixed use developments that will enhance the local economy.
- (2) Pre-application Conference. Prior to the formal submittal of any request for approval to proceed with site development, an informal pre-application conference shall be held between the applicant and the community development department staff. This conference will serve to acquaint the applicant with the requirements of this chapter and to allow staff to become familiar with the applicant's development intent and design philosophy. A schematic site plan and building concept drawings will aid in discussion at this conference; however applicants are encouraged not to prepare detailed designs which might require extensive revision as a result of the pre-application conference. An applicant should bring the following information in a brief summary:
 - (a) General project concept and information, including location of the project and a written description of the proposal.
 - (b) Specific uses proposed, and intensity of use proposed (floor area and parking demand).
 - (c) Proposed construction timing.
 - (d) General concepts concerning building size and exterior materials and site plan concepts.
 - (e) An exterior materials package including roof material and color, wall treatment, glass and glazing.

- (f) A site plan drawing depicting the location of existing and proposed buildings, the location of property lines, setback lines, build-to lines, .

- (3) Approval. All Planned Development Districts shall comply with the regulations outlined in Section 102-926 Planned Development District Procedures.

B. Planned Development District

- (1) Approval. All Planned Development Districts shall comply with the regulations outlined in Section 102-926 Planned Development District Procedures.

- (2) Permitted Location: A PDD may be established for any parcel or tract of land that has a minimum size of five acres (217,800 SF). PDDs shall be permitted with the approval of a PDD District, specific to the approved PDD, within any one or more Standard Zoning Districts identified in Section 102-301.

- (3) Flexible Development Standards: The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a Planned Development District:

- (a) Land Use Requirements: All land uses listed in the districts established in Section 102-317 may be permitted within a PDD.

- (b) Number of Buildings on a Lot. More than one building on a lot/parcel shall be permitted in a Planned Development District.

- (c) Mixed Uses: A mix of different uses within a Planned Development District may be permitted if the Plan Commission and City Council determines that the mix of uses is compatible and necessary to achieve the objectives of the PDD.

- (d) Density and Intensity Requirements: All requirements listed in Section 102-321: Bulk Regulations for residential density and nonresidential intensity may be waived within a PDD. The Planned Development District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. However, the density of use shall not exceed the density permitted in the underlying existing zoning district.

- (e) Bulk Requirements: All requirements listed in Section 102-321: Bulk Regulations may be waived within a PDD.

- (f) Landscaping Requirements: Specific requirements listed in Section 102-520: Landscape and Buffer Regulations may be waived or altered within a PDD.

- (g) Parking and Loading Requirements: The requirements listed in Section 102-228 and Section 102-228 may be waived or altered within a PDD.

- (h) Application of the Subdivision and Platting Code: To the extent applicable, any PDD shall be subject to the procedures and regulations of Chapter 102 of the City Code. However, the design standards and required improvements established in Chapter 102 may be modified or waived upon recommendations by the Plan Commission and the Public Works Board, and approval by the City Council where strict compliance would result in not achieving the design flexibility necessary to achieve the objectives of the planned development.

- (4) Requirements to Depict All Aspects of Development. Only development which is explicitly depicted on the required General Development Plan approved by the City Council as part of the approved Planned Development District, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in Section 102-321: Bulk Regulations. Requested exemptions from these standards shall be made explicit by the Petitioner in the application, and shall be recommended by the Plan Commission and approved explicitly by the City Council. If not so requested and approved, such exemptions shall not be permitted.

- (5) The burden of providing evidence and persuasion that any such exceptions are necessary and desirable shall in every case rest with the Petitioner. It shall not be sufficient to base justification for

approval upon an already existing Planned Development District. Each Planned Development District shall be presented and judged on its own merits.

- C. Sterling Redevelopment Form District. The Sterling Redevelopment Form-Based Code ("Code") is a legal document that regulates land-development within the Sterling Redevelopment Form District ("Form District") through standards and controls related to building form and placement. Regulation details can be found in Article 9 for this Chapter. Form District regulations govern the design framework of the built environment and public areas while employing more flexible requirements relative to building use and density. This flexibility allows for dynamic change in uses over time as the needs of the community and marketplace evolve, while creating a more predictable physical environment. The Code uses clear and simple graphics for the building envelope, including height, Site Layout, and Building Elements that define the public spaces; and incorporates broad guidelines for use

Sec. 102-334: Zoning Overlay Districts

A. Public and Institution Overlay (PIO) District

- (1) Applicability. The unique nature of the PIO District and the uses that may be placed there require flexibility in administration. Therefore, any proposed use, whether new or an expansion or change of an existing use, shall be evaluated individually to determine whether it will be treated as an administrative or Special Use, based on its size, overall functions, and anticipated level of impact, including, but not limited to, such factors as hours of operation, relationship to adjacent land uses, trip generation and parking needs, storage needs, and environmental impact.
- (2) Determination. The District shall include any use that, in the opinion of the Community Services Director, constitutes an essential public facility, or public and semi-public facilities beyond those specifically identified in state law. This will include a broad variety of both listed and unlisted uses, which may be liberally interpreted to meet essential community needs. Examples may include, but are not limited to, civic uses and operations, community centers, cultural institutions, government facilities, schools, colleges, universities, libraries, hospitals, religious assembly, and public utilities and infrastructure.

B. Transitional Business Overlay (TBO) District

- (1) Intent. The TBO District is intended to establish reasonable standards which permit and control limited commercial and office uses where commercial areas begin to transition to residential neighborhoods. Furthermore, it is the intent of this district to:
 - (a) Permit small scale commercial and office uses which do not generate large volumes of traffic or have continuous customer turnover.
 - (b) Permit uses which promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the district, especially where historically significant buildings are present.
 - (c) Minimize visual and functional conflicts between residential and nonresidential uses within and abutting the district.
 - (d) Limit and discourage development of strip-type, highway-oriented commercial uses which create traffic hazards and congestion because of numerous curb cuts or higher traffic volumes.
- (2) Standards and Criteria: The following standards and criteria shall apply:
 - (a) The proposed use is of a similar architectural scale to existing development in the district or will use an existing building for preservation or redevelopment.
 - (b) The proposed use will not attract large volumes of vehicular traffic nor require more than one curb cut for vehicular access not to exceed 25 feet in width.
 - (c) Minimum visual and functional conflict will be created between the proposed use and nearby uses.

- (d) The proposed use may share an access driveway and/or parking area with another abutting use, or may be designed to permit such sharing when and if it becomes feasible.
 - (e) Anticipated noise and congestion created by the use will be minimal.
 - (f) The use shall not routinely require servicing or deliveries of materials, stocks, or supplies by trucks having more than two axles.
- (3) Standards for Conversions of Existing Buildings: Any proposal that is a conversion of an existing building under the provisions of this section shall comply with all the regulations contained herein as if it were a proposal for new development. Exceptions to this requirement may be made by the Plan Commission for major existing conditions which cannot reasonably be expected to be brought into compliance, including but not limited to the physical location of existing buildings.
- (4) Site Plan Approval. The provisions in Section 102-924: Building, Site, and Operation Plan shall be required.
- (5) Lighting. All requirements listed in Section 102-606: Exterior Lighting Standards shall be required.
- (6) Bulk Requirements: All requirements listed in Section 102-321: Bulk Regulations shall be required.
- (7) Landscaping Requirements: Specific requirements listed in Section 102-520: Landscape and Buffer Regulations Bulk Regulations shall be required.
- (8) Parking and Loading Requirements: The requirements listed in Section 102-227 and Section 102-228 shall be required.

C. Historic Preservation Overlay (HPO) District

- (1) Designation. For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the City such as historic structures, sites, or districts which:
- (a) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
 - (b) Are identified with historic persons or with important events in national, state or local history; or
 - (c) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 - (d) Are representative of the notable work of a master builder, designer or architect who influenced their age; or
 - (e) Have yielded, or may be likely to yield, information important to prehistory or history.
- (2) Consideration. The Historic Preservation Commission, within the context of deliberating on a nomination submitted to designate a historic structure, site or district, shall consider any or all of the following:
- (a) Age of the structure. Age alone shall not be the sole factor considered in determining historical designation.
 - (b) Official documents of any type from any governmental agency at any level.
 - (c) Sworn affidavits from any individual.
 - (d) Any statement, written or verbal, from the current owner of the nominated property.
 - (e) Written or verbal statements from acknowledged experts in the fields of history, architecture, archeology, anthropology, or real estate. The Commission retains the authority to determine the expert status of individuals under this paragraph.

- (f) Plans, drawings, sketches, maps, and any other document that has been recorded at the Register of Deeds or Clerk for any county in the State of Illinois.
- (3) Research. The Historic Preservation Commission, within the context of deliberating on a nomination submitted to designate a historic structure, site, or district, may consider any or all of the following:
 - (a) Newspaper, magazine, periodical, or newswire articles, including pictures or photographs.
 - (b) Video or audio tapes of a commercial or public broadcast network or station.
 - (c) Unsworn statements from any individual, including but not limited to, photographs and letters.
 - (d) Any item from the files of the local, county, or state historical societies.
 - (e) The Historic Preservation Commission may require the submission of any item listed in Subsection (A)(2) above prior to making its preliminary written findings of fact.
- (4) Regulation of Construction, Alteration and Demolition.
 - (a) No owner or person in charge of a historic structure, historic site or structure within a historic district shall alter, demolish or remove all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Approval has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the Commission, the Zoning Administrator shall not issue a permit for any such work.
 - (b) Upon the filing of any application for a Certificate of Approval with the Commission, the Commission shall review the application using the following guidelines, and shall not unreasonably deny issuance of the Certificate of Approval provided:
 - (i) In the case of a designated historic structure or historic site, the proposed work would not detrimentally change, destroy, or adversely affect any exterior feature of the improvement or site upon which said work is to be done in accordance with the guidelines for alterations as follows:
 1. Height. All additions shall be no higher than the existing building.
 2. Second Exit Platforms. Second exit platforms shall not be applied to the front or sides of a building, unless they are not visible from the street.
 3. Solar Apparatus. Passive and active solar apparatus shall be allowed only if such devices do not detract from the architectural integrity of the building and are as unobtrusive as possible.
 4. Repairs. Repairs in materials that ~~exactly-mimic~~ or duplicate the original in composition, texture, and appearance are encouraged. Repairs in new materials that duplicate the original in texture and appearance are also permitted. Repairs in materials that do not duplicate the original in appearance may be permitted on an individual basis providing the repairs are compatible with the character and materials of the existing building and repairs that duplicate the original in appearance are prohibitively expensive.
 5. Restoration. Projects that will return the appearance of the building to an earlier appearance are encouraged and shall be permitted if such projects are documented by photographs, architectural or archaeological research, or other suitable evidence.
 6. Residences with Aluminum or Vinyl. Residences with aluminum or vinyl which replaces clapboards or non-original siding on buildings originally sided with clapboards may be permitted providing the new siding imitates the width of the original siding within one (1) inch, the wood graining, and providing architectural

details (such as window trim, wood cornices, and ornament) either remain uncovered or are generally duplicated in appearance.

7. Storms, Screens, and Storm Doors. The repair and retention of original storms, screens and storm doors, or the replacement of same with new units that duplicate the original in materials and appearance is encouraged. Replacements with non-original materials, such as combination metal components, may also be permitted. If metal components are used, owners are encouraged to use metal components which have been factory painted.
 8. Additions and Alterations to Street Façades. The appearance of all street façades of a building shall not be altered unless the design is sensitive to the historic character of the building. Specifically, the design or alteration shall be compatible with the existing building in scale, color, texture, and the proportion of solids to voids.
 9. Alterations to the Roof. Roof alterations, resulting in increased building volume, to provide additional windows or skylights, headroom, or area are prohibited. The roof shape of the front of the building shall remain the same unless the owner wishes to restore an earlier, documentable appearance. Changes in roofing materials (excluding color changes) are prohibited unless the existing materials are no longer produced or the cost of production and installation exceeds ten percent (10%) of the assessed value of the structure, in which case the new roof materials shall resemble existing materials as closely as economically possible or the materials shall closely resemble an earlier documentable material.
- (ii) In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would not adversely affect nor disharmonize with the external appearance of other improvements on such site or within the district, and the Historic District Guidelines for New Construction, incorporated herein by reference, shall be applicable to all new construction proposals within a historic district.
 - (iii) In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition conforms to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
 - (iv) The building or structure is of such architectural or historical significance that its demolition would not be detrimental to the public interest nor contrary to the general welfare of the people of the city and state;
 - (v) In the case of a request for the demolition of a deteriorated building or structure, the economic hardship or difficulty claimed by the owner is not self-created nor is it the result of failure by the owner to maintain the property in good repair.
- (c) If the Commission determines the application for a Certificate of Approval and the proposed changes are consistent with the guidelines of Section 102-907, it shall issue the Certificate of Approval. The Commission shall make this decision within sixty (60) days of the filing of the application.
 - (d) The issuance of a Certificate of Approval shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Approval required for the proposed work.
 - (e) Ordinary maintenance and repairs may be undertaken without a Certificate of Approval provided the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

- (5) Recognition of Historic Structures, Sites and Districts. At such time as a historic structure, site or district has been properly designated, the Commission, in cooperation with the property owner, may cause to be prepared and erected on such property, at City expense, a suitable plaque declaring that such property is a historic structure, site or district. The City's share of the plaque shall not exceed \$100.00.

D. Setback Overlay (SBO) District

- (1) **Applicability.** The BSO District shall be established on properties with the existing public right-of-way width is 100-feet or more, and the abutting roadway will not be widened to reduce the front yard "appearance" on the adjacent property. The BSO District may be applied to any base zoning district with the excessive right-of-way width exists and, and may be applied in conjunction with other overlay zones.
- (2) **Setbacks.** No principal structure shall be constructed or altered on the property closer to any property line than the number of feet specified below, and the setbacks so specified shall take precedence over the setback requirement established by the underlying district.
- (a) **Front (street) yard.** A zero (0) foot front setback shall be permitted for properties in the BSO District.
- (b) **Street side yard.** The minimum side yard setback from a street for principal and uses shall be as required in the underlying district.
- (c) **Interior side yard.** The minimum side yard setback from an interior lot line or platted alley shall be as required in the underlying district.
- (d) **Rear yard.** The rear yard setback shall be as required in the underlying district.
- (3) **Permitted uses.** Any use as permitted in the underlying district.
- (4) **Special uses.** Any use as permitted in the underlying district.
- ~~(6)~~(5) **Lot size.** The BSO District shall not have a minimum lot area or width requirement when applied to a legally platted parcel.